

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DOCTOR JOHN'S INC.,

Plaintiff,

v.

VILLAGE OF CAHOKIA, ILLINOIS and
CURTIS MCCALL,

Defendants.

Case No. 3:18-cv-00171-JPG-RJD

MEMORANDUM AND ORDER

J. PHIL GILBERT, DISTRICT JUDGE

Pursuant to this Court's directive following the defendants' motion for summary judgment, plaintiff Doctor John's has filed another amended complaint. (*See* ECF Nos. 32, 33.) While this second-amended complaint complies with most of this Court's prior instructions, it fails in two regards: it (1) re-pleads the substantive due process claim, which the Court has already dismissed and did not give Doctor John's permission to bring again; and (2) names Curtis McCall as a defendant in this matter, even though the Court already dismissed him as an unnecessary party. So for the reasons already explained in this Court's order granting in part and denying in part the defendants' motion for summary judgment (*See* ECF No. 32), the Court again **DISMISSES WITHOUT PREJUDICE** (1) Count III of the complaint—the substantive due process theory—and (2) defendant Curtis McCall. The Court **DIRECTS** the Clerk of Court to terminate Curtis McCall as a defendant in this matter.

IT IS SO ORDERED.

DATED: OCTOBER 10, 2018

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE